

sage of Texas Senate bill No. 9, introduced by Senator Hayter, placing a tax of \$100 per month on such venders, and we also request that you oppose any other bill that would interfere with their business, for such a law would be unfair, undemocratic, and prohibitive, and we think we should have the right to purchase goods wherever we please. Instead of placing a \$1200 a year tax on them, it would be far more fair and equitable to reduce the present \$150 per year tax to \$75 per year in each county, and make it payable to the road and bridge fund. We are well pleased with their plan of selling direct to us, and they pay at present as much taxes as the retail druggist, and in addition the \$150 per year occupation tax; and their goods comply with the Texas pure food law; and we know them to be good citizens, saving us time and money on our purchases, and investing their profits in Texas, so we see no cause for, and do not want them to be put out of business.

Numerously signed.

By Senator Ward:

Senator P. S. B. Ward, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

By Senator Adams:

Hon. W. N. Adams, Austin, Texas.

Dear Sir: We, the undersigned farmers and taxpayers of Comanche county, respectfully petition you to vote and use your influence against the passage of Senate bill No. 9.

This bill not only imposes a prohibitive license fee, but we believe is intended to give certain interests behind the bill a monopoly on the sale of medicines. It is certainly against the farmers' interests.

For years we have been buying our medicines, etc., from men who called on us regularly with wagons. We get better values and terms from them; we like the goods better than we can obtain elsewhere, and we believe we have a right to buy from whom we please.

As a revenue measure it may be all right for these men to pay a license of \$50 or \$60 a year, but as their line of goods is smaller and they have other taxes to pay, too, the license, to be

equitable, should not be any more than the average business man pays.

We, therefore, ask you to consider our interests and act accordingly.

Numerously signed.

By Senator Veale:

Henrietta, Texas, January 27, 1909.

To the Hon. Jno. Veale, Senator for the Twenty-ninth District of Texas.

Dear Sir: We, the undersigned citizens of Clay county, and the Twenty-ninth Senatorial District of Texas, respectfully ask and petition you and the Hon. Mr. Ballengee, Representative of this the Eighty-third Representative District of Texas, to favor any law that will reduce the occupation tax on circuses in the State of Texas, so that the smaller towns may have the benefit of having the larger shows come among them.

Numerously signed.

By Senator Murray:

Protest from citizens of Wilson county against Senate bills Nos. 11, 19, and 9; also House bills Nos. 93 and 97, and praying the Legislature to let the people alone.

A protest from J. O. Stevenson against passing Senate bills Nos. 11, 19 and 9; also House bills Nos. 93 and 97, and praying that the people be let alone.

Petition of W. E. Hudson and fifty-six other citizens of Jackson county, asking that the anti-race track bill be passed.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, February 3, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Hayter.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Holsey. Stokes.
Hudspeth. Terrell of McLennan.
Senter.

Absent—Excused.

Harper.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer the same was dispensed with.

INVITATION TO VISIT GALVESTON— DATE CHANGED.

Senator Masterson here withdrew the invitation extended to the Senate on yesterday for them to visit Galveston, on the occasion of the Senate's visit to Houston, and stated that the invitation was extended to the Senate to February 19.

On motion of Senator Hudspeth, the invitation was accepted.

BILLS AND RESOLUTIONS.

By Senator Peeler:

Senate bill No. 147, A bill to be entitled "An Act to repeal Chapter 31, of the Local and Special Laws of the Thirtieth Legislature of Texas, creating a special road system for Williamson county, Texas, and approved March 20, 1907, and to create a more efficient road system for Williamson county, Texas, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for the compensation of such road commissioners; and providing for the condemnation of material for the construction and maintenance of public roads, and to provide for the compensation for such material; and providing for the working of county convicts on the public roads, and the purchase of supplies for convicts, and rewards for the capture of escaped county convicts and for commutation of sentence for faithful service and good behavior; and providing that every person liable for road duty shall pay a \$4 road tax exempting such person from road duty from such year for which said taxes were paid; and providing for the summoning and working of all parties liable for road duty on the public roads who have not paid such road tax, and permitting substitution and payment of money in lieu

of such service, and fixing allowance of time for service of hands and teams on such public road; and fixing penalties for violation of same; and providing further making this act cumulative of the general laws now in force, and repeal all laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senators Hudspeth and Terrell of Bowie:

Senate bill No. 148, A bill to be entitled "An Act to lease the west half of the northwest quarter of block 122, in the city of Austin, Travis county, Texas, to the Girls' Co-operative Home Association of Austin."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Ward:

Senate bill No. 149, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to doing within this State any business whatever, except interstate business, or to establishing within this State a general or special office, shall obtain from the Secretary of State a permit to do business within this State; forbidding the issuance of such permit to certain enumerated classes of corporations; prescribing the manner of obtaining such permit and fixing the duration thereof; prescribing and defining the rights, powers, privileges and duties of corporations obtaining such permit; providing for the surrender of such permit; denying to corporations embraced by this act the right to maintain any suit or action in any of the courts of this State upon any demand, whether arising out of contract or tort, unless at the time such contract was made, or tort committed, such corporation had obtained such permit; providing that violation of any law of this State by any corporation having a permit under this act shall be deemed and held to be a violation of the conditions upon which permit was issued, and of the provisions of this act, and shall be grounds for forfeiture of such permit; providing penalties and punishment for violations of provisions of this act and for the enforcement of such penalties and punishments; providing

procedure in such cases; fixing venue of civil suits for enforcement of the provisions of this act; prescribing rules of evidence relating to such permits or certified copies thereof; repealing Chapter 17, of Title 21, of the Revised Statutes, and Chapter 78 of the General Laws of the Regular Session of the Twenty-first Legislature of Texas, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fourth Legislature of Texas, and any and all laws and parts of laws in conflict with any of the provisions of this act; and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Terrell of Bowie:

Senate bill No. 150, A bill to be entitled "An Act to require any person, firm or association of persons keeping any billiard or pool rooms to keep open house, and prescribing penalties for the violation thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell of Bowie:

Senate bill No. 151, A bill to be entitled "An Act to authorize the city council of all cities and towns incorporated under the General Laws of this State, to regulate the charges and fix the rates to be charged by all water companies or persons engaged in supplying water, gas and light to the public within the limits of said cities or towns, and occupying the streets and other public places for that purpose, and to prescribe reasonable rules and regulations therefor, and to protect said companies and corporations or persons from imposition."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Terrell of Bowie:

Senate bill No. 152, A bill to be entitled "An Act to require any railroad company or corporation or any receiver operating any railroad, or constructing any railroad or railroad bridge who shall discharge any employe, to pay the wages for such employe within five days from such discharge, and prescribe penalty for failure therefor, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senator Alexander:

Senate bill No. 153, A bill to be entitled "An Act to provide for the creation,

establishment and maintenance of a State education fund, to be composed of special funds for the benefit, maintenance, support and direction of the State University of Texas, the Agricultural and Mechanical College of Texas, the Texas Industrial Institute and College for education of white girls of the State of Texas in the arts and sciences (commonly known as the College of Industrial Arts), the Sam Houston Normal Institute, the North Texas Normal School, the Southwest Texas Normal School and Prairie View Normal and Industrial School, and for the payment of scholarships to said normal schools; providing that a certain part of the ad valorem tax shall be levied, assessed and collected for said purpose; providing that such taxes when collected shall be credited on the books of the State Treasurer to said special funds, respectively, which shall in the aggregate constitute a fund to be known as the State education fund, providing for the apportionment of such taxes to said special funds, respectively; providing for estimates of such funds and for reports as to collections thereof; providing for the expenditure of such funds, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Alexander:

Senate bill No. 154, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 100, Acts of the Twenty-eighth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senator Terrell of Bowie:

Senate bill No. 155, A bill to be entitled "An Act prescribing franchise taxes to be paid by private, domestic and foreign corporations for the exercise of the privilege of doing business within the State of Texas, and providing for the collection thereof; prescribing conditions upon which foreign corporations may obtain permits to do business, and for the surrender of such permits; fixing

a basis for the computation of the amount of such taxes, and providing for reports of officers of such corporations in connection therewith, and making it a misdemeanor to fail or refuse to make such report, and fixing a penalty therefor; prescribing the times and manner of making payments of such franchise taxes; providing for penalties for failure to make prompt payments of such taxes, providing for the forfeiture without judicial ascertainment of the right of such defaulting domestic or foreign corporation to do such business because of failure to pay taxes and penalties as prescribed by this act, and for the revival of such rights; providing for the forfeiture by a judgment of any court of competent jurisdiction of the charter of such defaulting corporation because of failure to pay such taxes and penalties within the time allowed by this act for payment thereof; extending the time within which and prescribing conditions upon which such domestic and foreign corporations which are now in default in payment of franchise taxes and penalties may pay same and have their right to do business revived, and providing that failure of any such domestic corporation to do so shall constitute a sufficient ground for forfeiture of its charter, prohibiting officers and stockholders of such defaulting corporations from doing business in or under the corporate name of such corporation or using signs or advertisements therefor; exempting certain classes of corporations from the provisions of this act; fixing venue of civil suits to enforce the provisions of this act; requiring clerks of courts to certify to the Secretary of State the status of such suits; prescribing the duties and powers of the Secretary of State under the provisions of this act; repealing Article 5243i as amended by Chapter 10 of the General Laws of the Twenty-ninth Legislature, and Chapter 72 thereof, and any and all laws in conflict with the provisions of this act, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Mayfield:

Senate bill No. 156, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station to be located in the Twenty-eighth Senatorial District, composed of Bosque, Coryell, Hamilton

and Bell counties, and making the necessary appropriation therefor."

Read first time, and referred to Committee on Agricultural Affairs.

Morning call concluded.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following concurrent resolution:

House Concurrent Resolution No. 3, Providing for changing the form of printing House bills.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 68, A bill to be entitled "An Act to levy an occupation tax on all retail dealers in non-intoxicating malt liquors, and providing for the issuance of licenses, and fixing penalties for the violation of this act, and providing for injunction to prevent its violation, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

(See caption in above House message.)

House bill No. 68, referred to Committee on Finance.

SENATE BILL NO. 18.

The Chair laid before the Senate, on second reading, as pending business,

Senate bill No. 18, A bill to be entitled "An Act declaring void the sale or transfer of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecution of the seller's or transferrer's business, and sales or transfers of entire stocks of merchandise in bulk, unless

made in compliance with certain named conditions and regulations, and prescribing such conditions and regulations according to which such sales may be made valid, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—1.

Terrell of McLennan.

Absent.

Holsey.	Stokes.
Hudspeth.	Veale.

Absent—Excused.

Harper.

The bill was read third time, and Senator Terrell of Bowie offered the following amendment:

Amend the bill by adding to Section 2 the following: "Provided, that the purchaser or transferrer shall show that the notice to any creditor of the seller was received seven days before such sale."

Senator Veale offered the following substitute for the amendment:

Amend the bill by striking out the word "seven," in lines 20 and 27 of Section 1, page 1 of the bill, and insert in lieu thereof the word "ten."

The substitute amendment was accepted by the author of the amendment.

Pending discussion on the amendment, Senator Meachum moved the previous question on the amendment, and the final passage of the bill.

The motion being duly seconded, was so ordered.

The substitute for the amendment was adopted by the following vote:

Yeas—22.

Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Veale.
Meachum.	Ward.
Paulus.	Willacy.

Nays—6.

Adams.	Murray.
Bryan.	Watson.
Hayter.	Weinert.

Absent.

Holsey.	Stokes.
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Absent—Excused.

Harper.

The bill was passed by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—1.

Terrell of McLennan.

Absent.

Holsey.	Stokes.
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Absent—Excused.

Harper.

SENATE JOINT RESOLUTION NO. 1.

The Chair then laid before the Senate, as pending business,

Senate Joint Resolution No. 1, being a resolution to amend Article 16 of the Constitution of the State of Texas, by adding thereto Section 58, when a majority of the qualified electors for members of the Legislature of Texas at an

election for that purpose shall vote in favor of the amendment.

Pending.

SENATE BILL NO. 132.

On motion of Senator Senter, the pending order of business (Senate Joint Resolution No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 132, by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Stokes.

Absent—Excused.

Harper.

The Chair laid before the Senate, on second reading,

Senate bill No. 132, A bill to be entitled "An Act authorizing any county in the State of Texas having a population in excess of 50,000 inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill by adding Sections 8 and 9 as follows, and renumber Section 8 in the printed bill as Section 10 and Section 9 as Section 11:

"Section 8. Any revenues that may accrue from any contract or contracts made in accordance with the provisions of the preceding section may be appropriated by the commissioners court to the maintenance and repair of such structure or structures, and such court shall have the authority to make adequate provisions for such maintenance

and repair as in the case of any other structure under its control. In the event the revenues accruing from the use of any such structure shall exceed the expenditures for its maintenance and repair, any such excess shall be applied to the road and bridge fund of the county.

"Sec. 9. The commissioners court shall have authority to make rules and regulations for the use of any structure erected under the provisions of this act and to provide for the enforcement thereof."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill by adding to the caption the words, "and declaring an emergency."

Senator Hayter offered the following amendment, which was read and adopted:

Amend Senate bill No. 132 as follows: page 2, line 25, after the word "ink," insert the words "or pencil."

Bill read second time, and ordered engrossed.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Stokes.

Absent—Excused.

Harper.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Cofer.
Alexander.	Greer.
Brachfield.	Hayter.
Bryan.	Holsey.

Hume.	Senter.
Kellie.	Sturgeon.
Masterson.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Thomas.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	Willacy.

Absent.

Hudspeth. Stokes.

Absent—Excused.

Harper.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Willacy, the Senate, at 12:20 o'clock, recessed until 2:30 p. m. today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor A. B. Davidson.

• SENATE JOINT RESOLUTION NO. 1.

Action recurred on the pending business (Senate Joint Resolution No. 1).

EXECUTIVE MESSAGE.

Executive Office,
State of Texas,

Austin, Texas, February 3, 1909.

To the Senate:

The advice and consent of the Senate is requested to the following appointments:

S. J. Isaacks of Midland county, to be judge of the Seventieth Judicial District of Texas.

William P. Brady of Reeves county, to be district attorney of the Seventieth Judicial District of Texas.

T. M. CAMPBELL, Governor.

EXECUTIVE SESSION—TIME SET FOR.

Senator Hudspeth moved that the Senate go into executive session tomorrow

at 12 o'clock, to consider the above appointments.

The motion prevailed.

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate at 6:30 o'clock p. m., adjourned until 10 o'clock tomorrow.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 60, A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56 of the Revised Civil Statutes, with respect to the granting of injunctions, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Strike out the words in line 5 and 6 of Subdivision 3 of Article 2989, "and all other property which is exempt from forced sale under and by virtue of the exemption laws of this State," and the words in lines 8 and 9 of said Subdivision 3 of Article 2989, "or all other property so exempt at the time of the sale," and insert the words "subject to the execution at the time of the sale" after the sentence, "being sold under an execution against a person, partnership or corporation having no interest in said real estate," as written in said bill; and strike out the words, "and to prevent the doing of any legal wrong whatever," in lines 10 and 11 of said Subdivision 3, Article 2989, so that said Subdivision 3 of Article 2989 of the Revised Civil Statutes of Texas shall read as follows: "In all cases where the applicant for such writ may show himself entitled thereto under the principles of equity, and as provided by statutes in all other acts of this State, providing for the granting of injunctions, or where a cloud would be put on the title of real estate being sold under an execu-

tion against a person, partnership or corporation having no interest in such real estate subject to the execution at the time of the sale, or irreparable injury to real estate or personal property is threatened, irrespective of any legal remedy at law."

MEACHUM, Chairman.

(Floor Report.)

Austin, Texas, February 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 171, A bill to be entitled "An Act to amend an act passed at the Regular Session of the Twenty-ninth Legislature of the State of Texas, Chapter 56, entitled 'An Act to create a more efficient road law for Tyler county, creating the office of county road superintendent, prescribing his qualifications and duties; providing for working county convicts and delinquent poll taxpayers on public roads, rewards and penalties for escaped convicts, for the appointment and duties of road overseers, and fixing amount of their pay, and prescribing penalties against road overseers, hands and road superintendents, and prescribing the duties of the county attorney, grand jury and district judge in seeing its provisions enforced; fixing width of public roads, and providing how they shall be worked, graded, etc., for the building of bridges, culverts, etc., by the lowest responsible bidder, the plan for which is furnished by the county superintendent; for the hiring of teams, tools and wagons by the county superintendent and overseers, and relieving of hands by paying \$4.00 per annum, and for opening up two first-class roads running east and west, north and south, through the county seat, and for the appropriating for the taxes collected in each commissioner's precinct; fixing the ages of persons liable to work on road; providing for the levy of road and bridge tax, and the issuance of bonds for road and bridge purposes, and fixing the bonds of the county superintendent and road overseers and penalties to be recovered in case of a breach thereof; and providing that in cases where there is a conflict in this and the General Laws of the State, this supersedes the general law, and where there is no conflict the general law still remains in force, and declaring an emergency, and

providing pay for the commissioners court,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Veale, Paulus, Sturgeon, Murray, Perkins, Terrell of McLennan, Mayfield.

(Floor Report.)

Austin, Texas, February 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

House bill No. 263, A bill to be entitled "An Act to reorganize the Forty-seventh Judicial District and to create the Sixty-ninth Judicial District, to fix the time for holding the terms of the district courts in said districts, and to provide for the appointment of a district judge and a district attorney for the said Sixty-ninth Judicial District,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Ward, Paulus, Peeler, Terrell of Bowie, Masterson, Watson, Veale, Sturgeon, Willacy.

Committee Room,

Austin, Texas, February 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

Senate bill No. 5, A bill to be entitled "An Act for the protection of stock raisers, farmers and horticulturists; providing for the destruction of wolves and other wild animals; to make an appropriation therefor; to repeal all laws and parts of laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend by adding to Section 1 the following: "Provided, that nothing herein shall be construed to authorize any person or persons to enter the enclosed lands of another, whether held by lease or otherwise, except with the written consent of such owner or lessee."

ADAMS, Chairman.

Committee Room,
Austin, Texas, February 3, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 111, A bill to be entitled "An Act to define and regulate the practice of professional nursing; to create a board of nurse examiners for the examination and licensing of nurses, and to prescribe their qualifications; to provide for their proper registration and for the revocation of certificates for the violation of this act, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, February 3, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Substitute Senate bill No. 67, "An Act to reorganize the Thirty-second Judicial District of Texas, the Thirty-fourth Judicial District and to create the Seventieth Judicial District in the State of Texas, and to fix the time of holding the court in each of said districts; to provide for the appointment of a district judge and a district attorney for the Seventieth Judicial District and to provide for the return of all process to each of the counties in each of said districts, to provide for the attachment of certain unorganized counties in said district, to certain organized counties in said district, for judicial and all other purposes, and to repeal all laws or parts of laws in conflict herewith,"

And find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

PETITIONS AND MEMORIALS.

By Senator Perkins:

McKinney, Texas, January 30, 1909.
Hon. Tom W. Perkins, Austin, Texas:
Collin county fifth Sunday meeting, representing 7000 constituency, stand for submission. We are with you. Put down race track gambling.

M. F. WHEELER, Secretary.

By Senator Adams:

San Angelo, Texas, January 23, 1909.

To the Senate and House of Representatives of the State of Texas, Austin, Texas.

Gentlemen: We, the undersigned directors of the San Angelo Fair Grounds Company, joined herein by the undersigned law-abiding citizens of Tom Green county, having learned that there is now pending before the Legislature a bill prohibiting book making and betting upon horse races, and believing that such bill if passed will sound the death knell of all fairs in Texas, earnestly urge that you do not pass such bill.

Numerously signed.

Senator W. N. Adams, Austin Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

Also a memorial from Gustine Farmers' Union against repeal of bucketshop law and favoring a cotton factory at penitentiary.

Senator Terrell of McLennan offered a petition of Vernon Harrington and 78 other citizens of McGregor, McLennan county, urging the passage of the Mayfield-Meachum bill prohibiting pool selling, book making, and wagering on horse racing.

Senator Weinert offered a petition by W. H. Callihan, R. W. Jolly and 100 other citizens of Caldwell county, opposing the druggist bill.

Also a petition by N. B. Green and 8 other citizens of Gonzales county, protesting against the enactment of what is known as the bill regulating the fees and salaries of county officials.

By Senator Thomas:

Sulphur Springs, Texas, Jan. 23, 1909.

Hon. H. Bascom Thomas, Austin, Texas.

Dear Sir and Friend: At the request of a number of your supporters I send you the enclosed petition asking you to fight the bill Senator Hayter has introduced to put such a high tax on medicine wagons that it will force them to quit the business. It will not only put two of your home town men out of business, but will work a hardship on the entire county. The farmers think

it is another blow at common people and knowing your broad-minded views on equal rights to all, we ask you to fight it hard, and we believe you have the interest of your county at heart and will do all you can for us. Anxiously awaiting results, I am as ever,

Your true friend,
GEO. T. HOWENTON,
Representative of the Waxahachie Medicine Co.

Senator H. Bascom Thomas, Austin, Texas:

We, the undersigned citizens of your district, desire to protest against the enactment of the bill now before the Legislature introduced by Senator Hayter for the regulation of the sale of medicines from wagons by salesmen who call on us every day. We do not object to suitable restrictions to the business, but we have found these men who sell us to live here with us, and that they do business just like other business concerns, selling us at our homes on time and for cash, and we find them a convenience to us; that they sell us just as good goods as we buy anywhere, and that part of the bill putting a tax of \$100 per month on them will stop them, driving them out of business. We appeal to you the only useful purpose it will serve is to destroy competition for the retail store, and it will inconvenience us otherwise.

Numerously signed.

By Senator Mayfield:

To Hon. E. B. Mayfield, State House, Austin, Texas.

Dear Sir: We, the undersigned Farmers and taxpayers of Coryell county, State of Texas, respectfully petition you to vote and use your influence against the passage of Senate bill No. 9. This bill not only imposes prohibitive license fee, but we believe is intended to give certain interests behind the bill a monopoly on the sale of medicines. It is certainly class legislation of the rankest kind and undemocratic.

Numerously signed.

By Senator Real:

Senator Julius Real, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

By Senator Masterson:

Wharton, Texas, February 1, 1909.

To the Hon. T. W. Masterson, Austin, Texas.

Dear Sir: We, the undersigned citizens of Wharton, Texas, hereby request that you do all you can to secure for the A. and M. College of Texas as large an appropriation as possible from the present Legislature, and that you oppose the move to establish another A. and M. College at any other point, believing that it is better to maintain the present institution at a high standard than to establish others.

Numerously signed.

By Senator Thomas:

We, the undersigned citizens of Sulphur Springs, Texas, believing a State training school for children to be a necessity for reclaiming incorrigibles, endorse the bill providing for such an institution, as prepared by joint committees from the County Judges and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Numerously signed.

By Senator Peeler:

Senator Jno. L. Peeler, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

Austin, Texas, January 28, 1909.

Senator J. L. Peeler, State Senate.

Dear Sir: We, the undersigned, respectfully request you to vote and work for the submission of the prohibition question to a vote of the citizens of this State at the earliest possible date.

Numerously signed.

By Senator Hume:

We, the undersigned citizens of the State of Texas, interested in the protection of the game of this State, and believing that we ought to have as stringent laws towards this end as possible, have considered the question of an amendment to the present game law looking to the matter of making the open season for shooting doves begin August 1, and have concluded that it is right and proper this should be done.

The dove is distinctly a destroyer of grain and seed, and does not feast at all upon insects, and, therefore, is injurious rather than helpful to the planter and producer. In view of this situation, we trust the Legislature of the State of Texas will approve Senator F. Chas. Hume's bill, which has been recently introduced by him in the Senate, providing for the making of the open season for shooting doves in Texas to begin August 1.

Numerously signed.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, February 4, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Bruckfield.	Perkins.
Oster.	Reul.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Maschum.	Willacy.
Murray.	

Absent.

Bryan. Terrell of Bowie.
Sturgeon.

Absent—Excused.

Harper.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Alexander, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Senter:

Senate bill No. 157, A bill to be entitled "An Act to provide for the speedy and efficient enforcement of the liens of mechanics and artisans on the buildings, improvements and articles made or repaired by them, etc."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Mayfield:

Senate bill No. 158, A bill to be entitled "An Act to promote the safety of travelers and employees by compelling common carriers engaged in commerce by railroads within the State of Texas to equip their locomotives, tenders, cars and similar vehicles used in moving intrastate traffic within said State with certain safety devices and appliances, and providing penalties for violations of this act; and providing further, that employees of such carriers continuing in the service with notice or knowledge of such violations shall not be held to have assumed the risk of injuries resulting from the same, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Terrell of McLennan and Weinert:

Senate bill No. 159, A bill to be entitled "An Act to provide for the appointment of three members of the Senate by the Lieutenant Governor and four members of the House by the Speaker thereof, who shall constitute a committee on investigation to visit the penitentiaries located at Huntsville and Rusk, respectively, and such other places as convicts of the State may be detained, if in their judgment necessary, to the end that a thorough investigation of the penitentiary system may be made; providing for the recommendations as to the future employment of convict labor, empowering the committee to summon witnesses and administer oaths in the name of the State, and to employ expert accountants and such other help as needed. Their report, together with evidence taken, to be submitted to the Governor of this State when completed, and providing that said committee shall sit in vacation, and making an appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on State Penitentiaries.

By Senator Sturgeon:

Senate bill No. 160, A bill to be entitled "An Act to require persons keeping billiard or pool rooms to keep an open house, and prescribing penalties for the violation of this act."

Read first time, and referred to Judiciary Committee No. 2.

Morning call concluded.